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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,959	01/02/2001	Uwe Hansmann	DE9-1999-0077	9951

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FERENCE & ASSOCIATES LLC
409 BROAD STREET
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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/752,959

Applicant(s)

HANSMANN ET AL.

Examiner

Olabode Akintola

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8,10-14,16,20 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10-14,16,20 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/2007 has been entered.

Status of Claims

Claims 1, 3-6, 8, 10-14, 16, 20 and 23 are pending. Claims 1, 10 and 12 have been amended. Claims 7, 18, 19, 21 and 22 have been cancelled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-6, 8 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kravitz (US 6029150) in view of Herlin et al (US 6023689) and further in view of Martino (US 6574314).

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Re claim 1: Kravitz discloses the invention substantially as claimed, including in a method of payment in a purchasing action (Col. 12, lines 49-51) performed by means of an electronic communication device (Col. 11, lines 57-60) between a customer using said electronic communication device (Col. 12, lines 45-49) and a provider offering goods or services (Col. 12, lines 51-54), steps of: building up a connection between said customer and said provider via a communication channel of said communication device (Col. 12, lines 45-51) and authorization of a customer to give a money transfer order (Col. 7, lines 19-45. See also Col. 29, line 19 to Col. 32, line 54 for details of authorization); upon receipt of a purchase order from said customer (Col. 12, lines 49-51), issuance of an electronic bill by said provider and transmission of said electronic bill to said customer Col. 12, lines 51-54); upon acknowledgement of said electronic bill by said customer transmission of a money transfer order from said customer to a payment provider (Col. 12, lines 56-59; Col. 12, lines 15-22); execution of said money transfer order by said payment provider by debiting an account of said customer (Col. 12, line 60 to Col. 13, line 12); sending a receipt of payment, which includes an encrypted digital signature of the payment provider, to said customer (Col. 8, lines 41-56); confirming the encrypted digital signature of said receipt by a confirmation center (Col. 8, lines 35-40); and forwarding said receipt of payment to said provider offering goods or services (Col. 13, lines 13-26).

Kravitz does not specifically disclose the use voice channel between the customer and provider and identity authorization of a customer by using a SIM.

Martino discloses use of a voice channel (Col. 7, lines 19-43). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to use a voice

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channel so as to perform simple verbal placement of orders and/or payment instructions and follow on information.

Herlin discloses the use a SIM for authentication at Col. 2, lines 10-40. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to perform authentication using the SIM of Herlin because this would facilitate secure payment, as set forth by Herlin at Col. 10, line 40 to Col. 12, line 30.

Furthermore, additional references are cited below that clearly show that these concepts are old and well known (See Tognazzini (col. 4, line 67-col. 5, line12); Leonardi (Col. 3, lines 14-48) and Lee (abstract, col. 1, lines 28-30)).

Re claim 3: Kravitz discloses authentication by a communication provider via a service channel at Col. 12, line 55 to Col. 13 line 11 and Col. 29, lines 10-17.

Re claim 4: Kravitz discloses authentication before transmission of a money transfer order at Col. 25, line 30 to Col. 27, line 23.

Re claim 5: Kravitz discloses authentication after transmission of a money transfer order at Col. 29, line 18 to Col. 32, line 53.

Re claim 6: Martino discloses use of a service (data) channel for transmission of transaction data fro a data transaction server at Col. 23, lines 35-59. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the service channel of Martino to

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transmit the transaction data of Kravitz because this would transmit transactions data without using valuable voice channel bandwidth.

Re claim 8: Kravitz discloses the use of an Internet connection at Col. 11, lines 50-60.

Re claims 10 and 12: Kravitz discloses the invention substantially as claimed. See the discussion of Claim 1. Kravitz does not disclose limitations relating to use of voice and service channels for transmission of the payment related documents. Martino discloses the use of two channels (Col. 7, lines 19-43) in a cellular system (Col. 3, lines 52-59) for transmission of payment related documents (Col. 23, lines 35-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to use the two channel cellular implementation of Martino because this would provide a familiar payment device having the capability of simultaneously presenting data (on screen 20, Fig. 5A) and allowing voice communication (via handset 54, Fig. 5A), thus relieving a user from having to switch between channels for different types of information. See *Martino* at Col. 7, lines 30-43, Col. 13, line 65-Col. 17, line 67.

Re claim 11: Kravitz does not specifically disclose authentication via a service channel. Martino discloses this limitation at Col. 20, line 56 to Col. 21, line 4 and Col. 7, lines 27-34. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to include the data channel authentication of Martino because this would provide transactions security without using valuable voice channel bandwidth

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Re claims 13: Kravitz discloses computer program product databases at Col. 13, line 65 to col. 17, line 67. Official Notice is taken that computer readable media are stored on computer readable media. Examples include cache, memory, fixed disks, and removable media. It would have been obvious to one of ordinary skill in the art at the time of the invention to use such media to store the computer program product databases to store important data

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kravitz (US 6029150) in view of Herlin et al (US 6023689) and in view of Martino (US 6574314) and further in view of Ritter (US 2002/0111164).

Re claim 16: See the discussion of Claim 1. Kravitz further discloses that a payment provider maintains accounts for customers at Abstract, at least. Kravitz does not specifically disclose that the payment provider is a telecommunications company. Ritter discloses this limitation at para 0046. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to use the capabilities of a telecommunications company to maintain accounts disclosed by Ritter because such companies transfer account data and were technologically “savvy” enough to establish account maintenance systems and procedures.

Claims 14, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,029,150 Kravitz in view of US 6,023,689 Herlin et al and US 6,574,314 Martino and further in view of US 2002/0100798 Farrugia et al.

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Re Claims 14, 20 and 23: Kravitz discloses the invention substantially as claimed. See the discussion of Claims 13, 1 and 12. Kravitz does not specifically disclose that the communication device is a personal computer using a SIM. Farrugia discloses this limitation at Abstract, Summary of the Invention and paras. 15-30. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kravitz to use such a personal computer because this would provide the security of SIM authorization to a broader array of devices for payment processing.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tognazzini (US 5739512) discloses payment receipt, which includes an encrypted digital signature of the issuer and confirming the encrypted digital signature of said receipt (col. 4, line 67-col. 5, line12).

Leonardi (US 6556680) discloses the use a SIM for authentication (col. 3, lines 19-47).

Lee (US 6658248) discloses the use of voice channel connection between customer and service provider (Figs, abstract and Summary).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER